



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C. 11/17/03      Item: 3.s

File Number:  
GP03-T-12

Council District and SNI Area:  
Citywide

Major Thoroughfares Map Number:  
N/A

Assessor's Parcel Number(s):  
N/A

Project Manager:  
Richard Buikema

## GENERAL PLAN REPORT

### 2003 Fall Hearing

**TEXT REFERENCE:**

Chapter VI. Implementation; Annual Review and Amendment Process; pages 282-283

**PROJECT DESCRIPTION:**

General Plan Text amendment to revise the description of the General Plan Review and Amendment Process section of the General Plan to include up to four hearings on General Plan amendments per year and to delete reference to the Fall Annual Review and associated procedures.

**LOCATION:** Citywide

**ACREAGE:** N/A

**APPLICANT:**

Staff

**ENVIRONMENTAL REVIEW STATUS:**

San Jose 2020 Environmental Impact Report certified by City Council Resolution No. 65459 on August 16, 1994

**PLANNING STAFF RECOMMENDATION:**

Adopt the proposed text amendment.

Approved by:

Date:

**PLANNING COMMISSION RECOMMENDATION:****CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- None received.

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**GENERAL CORRESPONDENCE:**

- None received.
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**ANALYSIS AND RECOMMENDATIONS:****PROJECT DESCRIPTION**

This is a staff-initiated text amendment to the *San Jose 2020 General Plan* to modify the description of the General Plan review and amendment process to include up to four General Plan public hearings per year and to delete reference to the Fall Annual Review and associated procedures.

**BACKGROUND**

The General Plan review and amendment process affords the opportunity to refine the General Plan based on changing conditions and community needs. In this way, the Plan is kept current and flexible, while maintaining a solid policy framework for economic development, neighborhood preservation, growth management, integrated land use and transportation planning, and other key goals for a viable and livable community. Prior to 2001, the City conducted a General Plan annual review in the fall of each year. In November 2001, in response to a recommendation from the Mayor's Housing Production Team, the City Council adopted a text amendment (File No. GP01-T-32) to allow for additional General Plan hearings to occur on an annual basis. State Planning law permits up to four General Plan reviews a year. This staff-initiated amendment proposes to make further changes to provide additional flexibility as part of the General Plan amendment process.

The current General Plan text maintains the longstanding concept that amendments that raise major policy issues should be addressed during the Fall Annual Review. It specifies that two additional hearings on General Plan amendments may occur for minor items with a fourth flexible hearing available to respond to extraordinary circumstances. The Plan specifies that an ordinance adopted by the City Council is needed for an amendment not considered minor to be considered outside of the Fall Annual Review. Such an ordinance was adopted to establish the Summer hearing on housing-related amendments in August 2001. During the past two years, the City has conducted four General Plan reviews annually, generally during the Spring, Summer and Fall seasons. In 2002, a special hearing was conducted to consider amendments deferred from the 2001 General Plan hearings.

## **ANALYSIS**

The transition to multiple General Plan hearings a year has been successful, particularly because it has reduced the processing time for amendments. It has also provided the City the ability to facilitate specific development proposals that further the Major Strategies, Goals and Policies of the General Plan. In these ways, the General Plan process maintained a high level of customer service to applicants, the general public, Planning Commission and the City Council.

The current requirement that an ordinance be passed for major issues to be considered outside of the Fall Annual Review is considered by staff to no longer reflect the City's approach to facilitate timely review of land use and development proposals. This could result in amendments being deferred excessively, for up to a year in the event it is not ready or continued at the fall hearing. Staff is proposing to eliminate this requirement from the General Plan text.

This amendment proposes to eliminate any references to the Fall Annual Review. Staff is proposing a more flexible approach in which up to four hearings a year on General Plan amendments may be conducted with no limitation on the type of amendments may be considered as part of any particular hearing. This includes General Plan amendments for the modification of the Urban Service Area and amendments requiring Environmental Impact Reports (EIR) which are currently required to be considered only during the Fall Annual Review.

No specific dates are proposed to be set in which the hearings must be held but they would be distributed evenly throughout the year generally corresponding with the winter, spring, summer and fall seasons. The option would remain to hold less than four General Plan hearings per year if the Director of Planning, Building and Code Enforcement determines that there are not a sufficient number of amendments to warrant holding a hearing. This would give the City the flexibility to adjust the schedule to the quantity of amendment requests received. This would provide flexibility to applicants by allowing concurrent processing of General Plan amendments and rezoning requests. This would also reduce delay by allowing the amendment processing schedule to more closely coincide with that of an associated Environmental Impact Report.

With the proposed changes, the General Plan review process would more resemble the rezoning and development review processes in which applications are reviewed throughout the year. While separate filing deadlines would be established for amendments to be considered eligible for a particular hearing, amendment applications are accepted year-round. The ability of an application to be eligible for a particular hearing cycle is based on the completeness and timeliness of the application materials and the completion of necessary environmental review.

## **PUBLIC OUTREACH**

The Planning Department held community meetings on October 14<sup>th</sup> and 15<sup>th</sup>, 2003 to discuss the proposed Fall 2003 General Plan amendments. No comments were received in regards to this amendment at the community meetings. In addition, the community can be kept informed about the status of amendments on the Department's web-site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule.

**RECOMMENDATION**

Planning staff recommends adoption of the proposed text amendment.

## PROPOSED TEXT AMENDMENT

Amend Chapter VI. Implementation; Annual Review and Amendment process;  
Pages 282 and 283 as follows:

### GENERAL PLAN REVIEW AND AMENDMENT PROCESS

The General Plan Review and Amendment Process provides an opportunity to update and refine the City Council policy expressed in the General Plan and to monitor and evaluate the progress of the implementation strategies and programs incorporated therein. ~~The City of San Jose considers amendments raising major policy issues only once a year during the Fall Annual Review to allow the City and its residents to fully evaluate the effects of all major proposed General Plan amendments both singly and in combination. Additional hearings may occur up to twice a year for minor items, as needed, leaving the fourth hearing flexible to respond to extraordinary circumstances. The City Council shall adopt an ordinance which sets forth the very limited and extraordinary circumstances under which a General Plan amendment that is not minor in nature can be considered outside of the Fall Annual Review.~~ The City may conduct up to four hearings, but in any event no more than four hearings, on General Plan amendments per calendar year, depending on the nature and number of amendments. To facilitate the timely processing of amendments, hearings should be scheduled a least two or three times per year.

The General Plan amendment process is the vehicle by which both the City and private property owners, developers, community groups or individual citizens request changes to the planned land uses on property or propose changes to the goals and policies of the Plan. ~~Fall Annual Review process includes the review of proposed expansions to the Urban Service Area thus allowing the City Council to evaluate the necessity for further urban expansion, consistent with the Plan's Urban Service Area goals and policies.~~ The General Plan ~~Fall Annual~~ Review and Amendment Process affords the opportunity to refine the Plan based on changing conditions and community needs. The ~~Fall Annual~~ General Plan Review and Amendment Process includes citizen participation, both through community meetings to familiarize the general public with the amendment proposals as well as at the formal public hearings before the Planning Commission and City Council. Amendments should be analyzed based on their own merits as well as in the context of cumulative trends and consistency with the General Plan's Major Strategies. A summary of major policy issues and cumulative effects of proposed changes should be provided to the Planning Commission and City Council for every hearing.

On an annual basis through the Annual Report of the General Plan, ~~Through the Fall Annual,~~ the Planning Commission and City Council should consider current development trends to determine the City's progress in achieving the economic and housing development goals established in the Plan. In particular, the City should carefully monitor its jobs/ employed resident ratio in an effort to reduce the existing jobs/housing imbalance in San José. Information which could be considered includes vacant land absorption, residential versus economic development, amounts and value of non-residential construction, number and types of housing units authorized by building permit, and activity levels in such processes as zonings, annexations, and building permits. Other information which could be considered includes the current capacity status of major infrastructure systems which are addressed in General Plan Level of

Service policies (transportation, sanitary sewers and sewage treatment), transit-ridership statistics and other measures of peak-hour diversion from single occupant vehicles, and the levels of police, fire, parks and library services being provided by the City.

~~The Fall Annual Review and Amendment Process includes citizen participation, both through community meetings to familiarize the general public with the amendment proposals as well as at the formal public hearings before the Planning Commission and City Council. The Annual Review process takes place in the fall of the year, with a deadline for submittal of amendment requests of March 1st for those amendment proposals requiring Environmental Impact Reports and June 1st for all other amendment proposals. Minor amendments and those not requiring an Environmental Impact Report may be heard in early June with an application deadline in mid-January. The other two hearings are not set in this Plan because they do not necessitate the submittal of applications; instead, their scheduling depends on the completion of specific plans, the processing of any items deferred from other General Plan hearings, or extraordinary circumstances.~~